

**STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS & MINING**

1588 West North Temple
Salt Lake City, Utah 84116
Telephone: (801) 533-5771

NOTICE OF VIOLATION NO. N 83-5-2-2

From the STATE OF UTAH
To the Following Permittee or Operator:

NAME CO-OP Mining Company
MINE Bear Canyon Mine ☐ SURFACE ☒ UNDERGROUND ☐ OTHER _____
CATEGORY OF OWNERSHIP: ☐ STATE ☐ FEDERAL ☒ FEE ☐ MIXED
OSM MINE NO. _____ STATE PERMIT NO. ACT/015/025 MSHA I.D. NO. _____
COUNTY AND STATE Emery County, Utah TELEPHONE 748-5238
MAILING ADDRESS: P.O. Box 1245, Huntington Utah 84528
DATE OF INSPECTION Feb 2, 19 83
TIME OF INSPECTION: FROM 9:30 ☒ a.m. to 3:40 ☐ a.m.
☐ p.m. to _____ ☒ p.m.
NAME OF OPERATOR (if other than permittee) _____
MAILING ADDRESS: _____

Under the authority of the Utah Coal Mining and Reclamation Act of 1979 (Sec. 40-10-1 et seq., Utah Code Annotated, 1953), the undersigned authorized representative of the Director and the Division of Oil, Gas & Mining has conducted an inspection of the above mine on the above date and has found violation(s) of the Act, the regulations or required permit condition(s) listed in the attachment(s). This Notice constitutes a separate Notice of Violation for each violation listed.

You must abate each of these violations within the designated abatement time. You are responsible for doing all work in a safe and workmanlike manner.

The undersigned representative finds that cessation of mining is ☐ is not ☒ expressly or in practical effect required by this Notice. For this purpose "Mining" means extracting coal from the earth or a waste pile and transporting it within or from the minesite.

This Notice shall remain in effect until it expires as provided on the reverse or is modified, terminated or vacated by written notice of an authorized representative of the Director of the Division of Oil, Gas & Mining. The time for abatement may be extended by the authorized representative for good cause, if a request is made within a reasonable time before the end of the abatement period.

Date of Service Feb 4, 1983

John J. Whitehead
SIGNATURE OF AUTHORIZED REPRESENTATIVE

Time of Service 3:00 ☐ a.m. ☒ p.m.

John J. Whitehead #5
NAME AND I. D. NO.

Person Served with Notice Mailed to operator
PRINT NAME AND TITLE

Signature _____

IMPORTANT — PLEASE READ REVERSE OF THIS PAGE

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IMPORTANT — PLEASE READ CAREFULLY

1. PENALTIES.

(1) **Proposed assessment.** The Board of Oil, Gas & Mining assesses fines based upon the proposed assessment recommended by the Assessment Officer. You may submit information in writing to the below address pertaining to the violation(s) covered by this Notice within 15 days of the date that the Notice or Order is served on you or your agent. This information will be used by the Assessment Officer in establishing a proposed assessment and will be submitted to the Board for consideration in determining the facts surrounding the violation and the amount of the penalty. The Division or the authorized representative shall serve the proposed assessment on you or your agent within 30 days of the issuance of the Notice or Order by the authorized representative.

(2) **Assessment.** Within 15 days of receipt of the proposed assessment, you or your agent must file a written request for an informal hearing before the Assessment Officer or the penalty will be assessed as proposed.

For each violation included in this Notice, a penalty of up to \$5,000 may be assessed for each day during which the violation continues.

If you fail to abate any of the violations within the time set for abatement or for meeting any interim step you shall be assessed a minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement and you shall be issued a cessation order requiring you to cease surface coal mining operations.

2. INFORMAL PUBLIC HEARING. An informal public hearing will be held at or near the minesite if this Notice requires cessation of mining, expressly or in practical effect. See UMC/SMC 843.15(a). On the reverse of this page, the authorized representative has made a finding as to whether or not this Notice requires cessation of mining. Please review this finding and inform the authorized representative if you disagree with it.

If this Notice requires cessation of mining, it will expire within 30 days from the date you have actual notice of this Notice, unless an informal public hearing is held or waived, or the violation is abated, within the 30-day period. You will be notified of the date, time and location of the hearing.

3. FORMAL REVIEW. You may apply for review of this Notice or the assessment before the Board of Oil, Gas & Mining by submitting an application for hearing, within 30 days of receipt of this Notice or the assessment by you or your agent, to:

Secretary of the Board
Board of Oil, Gas & Mining
1588 West North Temple
Salt Lake City, Utah 84116

If you apply for a formal Board hearing, you may request temporary relief from this Notice. Your request must be filed at the above address prior to a decision in the hearing. Procedures for obtaining a formal Board hearing are set forth in the Board's Rules of Practice and Procedure and UMC/SMC Rule 900(b) (ix).

4. EFFECT ON PERMIT. If it is determined that a pattern of violations of the Act, regulations, or permit conditions exists, and that the violations were caused by unwarranted failure to comply, or were willful, procedures will be initiated to suspend or revoke your permit to mine.

FOR FURTHER INFORMATION, PLEASE CONSULT Section 40-10-20, 21, 22 and 23, Utah Code Annotated, UMC/SMC Parts 843, 845 and 900, or contact the Division at (801) 533-5771.



STATE OF UTAH

Notice of Violation No. N 83-5-2-2

Violation No. 1 of 2

Nature of the Violation

Failure to conduct surface coal mining operations
under permits issued by the Division.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-9 (1)
UMC 771.11
UMC 771.19

Portion of the Operation to which Notice Applies

Septic tank (partially installed) at the southern end
of the trailer house adjacent to the truck scales.
Septic tank (partially installed) on the western side
of the proposed bathhouse pad. Water cistern tank installed
Northwest of the proposed bathhouse pad.

Remedial Action Required (including interim steps, if any)

Submit complete and adequate plans to properly permit
the sewage treatment and disposal system for the
Bear Canyon Mine. (Plans should include appropriate
aspects of construction, operation, bonding, and final
reclamation measures to be undertaken) Cease any
further construction on sewage system until plans are approved.

Time for Abatement (including time for interim steps, if any)

No later than March 7, 1983



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STATE OF UTAH

Notice of Violation No. N 83-5-2-

Violation No. 2 of 2

Nature of the Violation

Failure to design, construct, and maintain diversions
in accordance with UMC 817.43. Failure to maintain
sediment control measures so as to prevent contributions
of additional suspended solids to runoff outside the
permit area.

Provision(s) of the Regulations, Act, or Permit Violated

UCA 40-10-18(i)
UMC 817.43 (a), (b), (c)
UMC 817.45(i)

Portion of the Operation to which Notice Applies

Undisturbed diversion ditch conveying drainage from
below the road adjacent to the exhaust fan, along the
southern side of the coal crushing & sizing pad and to
the undisturbed drainage culvert underlying the
southern end of the coal stockpile pad.

Remedial Action Required (including interim steps, if any)

- Ⓐ Clean all coal and other contaminants from the ditch.
- Ⓑ Prevent mine water effluent from being conveyed in the
ditch to the undisturbed drainage culvert inlet.
- Ⓒ Submit complete and adequate plans for construction & maintenance
of ^{the} undisturbed diversion to properly convey undisturbed drainage.
Include in plans timetables for implementation upon approval of plans.

Time for Abatement (including time for interim steps, if any)

No later than March 7, 1983 for all
parts (A, B, and C.)